

THIS ORDER RELATES TO A
HEARING HELD ON
NOVEMBER 7, 2024

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 824-73031-AST

DARIO CHARLES,

ORDER DISMISSING CASE

Debtor.

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UPON the October 21, 2024 written application of Krista M. Preuss, Chapter 13 Trustee, (the "Trustee") seeking entry of an Order dismissing the instant Chapter 13 case pursuant to 11 U.S.C. §1307(c) and due notice of the aforesaid application having been given to all necessary parties; and

WHEREAS, the Trustee filed a certificate of no objection on November 4, 2024, and, on November 6, 2024, Debtor filed an objection to the Trustee's motion to dismiss; and

WHEREAS, on November 7, 2024, the Trustee appeared in support thereof and Debtor appeared in opposition; and

WHEREAS, the Debtor failed to file copies of payment advices or other evidence of payment received from any employer within the last 60 days before the filing of the petition as required by 11 U.S.C. §521(a)(1)(B)(iv); and

WHEREAS, the Debtor failed to file an Official Form 122C-1, Chapter 13 Statement of Your Current Monthly Income as required by 11 U.S.C. §521(a)(1)(B)(v) and Fed. R. Bankr. P. 1007(b)(6); and

WHEREAS, the Debtor failed to commence making Chapter 13 plan payments to the Trustee, as required by 11 U.S.C. §1326(a)(1); and

WHEREAS, the Debtor failed to file a Chapter 13 Plan, as required by 11 U.S.C. §1321 and Fed. R. Bankr. P. 3015(b); and

WHEREAS, the Debtor failed to comply with 11 U.S.C. §521(e)(2)(A)(i) in that the Debtor has failed to provide the Trustee with a copy of a federal income tax return or transcript for the most recent year 7 days before the first meeting of creditors; and

WHEREAS, the Debtor failed to comply with the disclosure requirements of E.D.N.Y. LBR 2003-1; and

WHEREAS, the Debtor failed to appear and be examined at the Section 341 Meeting of Creditors as required by 11 U.S.C. §343; and


WHEREAS, each of the foregoing constitutes cause for dismissal of a Chapter 13 case; and

WHEREAS, it appearing to the satisfaction of the Court that dismissal is in the best interests of creditors and the estate, and sufficient cause having been shown; it is accordingly

ORDERED, that the instant Chapter 13 case be dismissed pursuant to 11 U.S.C. §1307(c) of the Bankruptcy Code.

Dated: March 31, 2025
Central Islip, New York




Alan S. Trust
Chief United States Bankruptcy Judge